

SENATE CS FOR CS FOR HOUSE BILL NO. 44(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SPECIAL SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 6/11/15

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES MILLETT, Herron, Muñoz, Josephson, Tarr, Foster, Drummond, Vazquez, Neuman, Tuck, Kito, Kawasaki, Gruenberg, Seaton, Olson, Claman, Guttentberg, LeDoux, Thompson

SENATORS Costello, Gardner, Wielechowski, Ellis, Stevens, Micciche, Bishop, Egan, MacKinnon, Hoffman, Stedman, Coghill, Meyer

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to course mastery requirements; relating to the duties of the**
2 **Department of Education and Early Development; relating to questionnaires**
3 **administered in a public school; relating to the duties of school districts and regional**
4 **educational attendance areas; relating to teacher certification requirements; relating to**
5 **training for school employees and mandatory reporters of child abuse or neglect;**
6 **relating to physical examinations for students; relating to sexual abuse and sexual**
7 **assault awareness and prevention efforts in public schools; relating to dating violence**
8 **and abuse awareness and prevention efforts in public schools; relating to national**
9 **criminal history record check requirements for employees of child care facilities and**
10 **residential child care facilities; relating to mandatory reporters of child abuse or**
11 **neglect; repealing the requirement for secondary students to take college and career**
12 **readiness assessments; establishing the Alaska Safe Children's Act Task Force; relating**

1 to suicide prevention training; and providing for an effective date."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. Section 14 of this Act may be known as the Alaska Safe Children's
6 Act.

7 * **Sec. 2.** AS 14.03.073(a) is amended to read:

8 (a) A school district shall provide the opportunity for students enrolled in
9 **grades nine through 12** [A SECONDARY SCHOOL] in the district to challenge **one**
10 **or more courses** [A COURSE] provided by the district by demonstrating mastery in
11 mathematics, language arts, science, social studies, and world languages at the level of
12 the course challenged. A school district shall give full credit for a course to a student
13 who successfully challenges that course as provided under this section.

14 * **Sec. 3.** AS 14.03.073(b) is amended to read:

15 (b) A school district shall establish, within a reasonable time, an assessment
16 tool and a standard for demonstrating mastery in [SECONDARY SCHOOL] courses
17 provided **for students in grades nine through 12** by the district under this section.
18 **This section does not require a school district to establish an assessment tool for**
19 **every course in mathematics, language arts, science, social studies, and world**
20 **languages that is offered to students in grades nine through 12 by the district.**

21 * **Sec. 4.** AS 14.03.110(a) is amended to read:

22 (a) A school district, principal or other person in charge of a public school, or
23 teacher in a public school may not administer or permit to be administered in a school
24 a questionnaire or survey, whether anonymous or not [, THAT INQUIRES INTO
25 PERSONAL OR PRIVATE FAMILY AFFAIRS OF THE STUDENT NOT A
26 MATTER OF PUBLIC RECORD OR SUBJECT TO PUBLIC OBSERVATION]
27 unless written permission is obtained from the student's parent or legal guardian.

28 * **Sec. 5.** AS 14.03.110(d) is amended to read:

29 (d) The school shall give a student's parent or guardian an opportunity to
30 review the questionnaire or survey described under (b) or (c) of this section and shall

1 give the parent or guardian written notice regarding

2 (1) how the questionnaire or survey will be administered to the
3 student;

4 (2) how the results of the survey or questionnaire will be used; and

5 (3) who will have access to the questionnaire, [OR] survey, or results.

6 * **Sec. 6.** AS 14.08.111 is amended to read:

7 **Sec. 14.08.111. Duties.** A regional school board shall

8 (1) provide, during the school term of each year, an educational
9 program for each school age child who is enrolled in or a resident of the district;

10 (2) develop a philosophy of education, principles, and goals for its
11 schools;

12 (3) approve the employment of the professional administrators,
13 teachers, and noncertificated personnel necessary to operate its schools;

14 (4) establish the salaries to be paid its employees;

15 (5) designate the employees authorized to direct disbursements from
16 the school funds of the board;

17 (6) submit the reports prescribed for all school districts;

18 (7) provide for an annual audit in accordance with AS 14.14.050;

19 (8) provide custodial services and routine maintenance of school
20 buildings and facilities;

21 (9) establish procedures for the review and selection of all textbooks
22 and instructional materials, including textbooks and curriculum materials for statewide
23 correspondence programs, before they are introduced into the school curriculum; the
24 review includes a review for violations of AS 14.18.060; nothing in this paragraph
25 precludes a correspondence study student, or the parent or guardian of a
26 correspondence study student, from privately obtaining or using textbooks or
27 curriculum material not provided by the school district;

28 (10) provide prospective employees with information relating to the
29 availability and cost of housing in rural areas to which they might be assigned, and,
30 when possible, assist them in locating housing; however, nothing in this paragraph
31 requires a regional school board to provide teacher housing, whether owned, leased, or

1 rented or otherwise provided by the regional educational attendance area, nor does it
 2 require the board to engage in a subsidy program of any kind with respect to teacher
 3 housing; [AND]

4 (11) train persons required to report under AS 47.17.020, in the
 5 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; **and**

6 **(12) establish procedures for providing the training under**
 7 **AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,**
 8 **AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022; the procedures**
 9 **established under this paragraph must include a training schedule that ensures**
 10 **that not less than 50 percent of the total certificated staff employed at a school**
 11 **receives all of the training not less than every two years and that all of the**
 12 **certificated staff employed at each school receives all of the training not less than**
 13 **every four years.**

14 * **Sec. 7.** AS 14.14.090 is amended to read:

15 **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school
 16 board shall

17 (1) determine and disburse the total amount to be made available for
 18 compensation of all school employees and administrative officers;

19 (2) provide for, during the school term of each year, an educational
 20 program for each school age child who is enrolled in or a resident of the district;

21 (3) withhold the salary for the last month of service of a teacher or
 22 administrator until the teacher or administrator has submitted all summaries, statistics,
 23 and reports that the school board may require by bylaws;

24 (4) transmit, when required by the assembly or council but not more
 25 often than once a month, a summary report and statement of money expended;

26 (5) keep the minutes of meetings and a record of all proceedings of the
 27 school board in a pertinent form;

28 (6) keep the records and files of the school board open to inspection by
 29 the public at the principal administrative office of the district during reasonable
 30 business hours;

31 (7) establish procedures for the review and selection of all textbooks

1 and instructional materials, including textbooks and curriculum materials for statewide
 2 correspondence programs, before they are introduced into the school curriculum; the
 3 review includes a review for violations of AS 14.18.060; nothing in this paragraph
 4 precludes a correspondence study student, or the parent or guardian of a
 5 correspondence study student, from privately obtaining or using textbooks or
 6 curriculum material not provided by the school district;

7 (8) provide prospective employees with information relating to the
 8 availability and cost of housing in rural areas to which they might be assigned, and,
 9 when possible, assist them in locating housing; however, nothing in this paragraph
 10 requires a school district to provide teacher housing, whether district owned, leased,
 11 rented, or through other means, nor does it require a school board to engage in a
 12 subsidy program of any kind regarding teacher housing;

13 (9) train persons required to report under AS 47.17.020, in the
 14 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

15 (10) provide for the development and implementation of a preventative
 16 maintenance program for school facilities; in this paragraph, "preventative
 17 maintenance" means scheduled maintenance actions that prevent the premature failure
 18 or extend the useful life of a facility, or a facility's systems and components, and that
 19 are cost-effective on a life-cycle basis;

20 (11) establish procedures for providing the training under
 21 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
 22 AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022; the procedures
 23 established under this paragraph must include a training schedule that ensures
 24 that not less than 50 percent of the total certificated staff employed at a school
 25 receives all of the training not less than every two years and that all of the
 26 certificated staff employed at each school receives all of the training not less than
 27 every four years.

28 * **Sec. 8.** AS 14.16.020 is amended to read:

29 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
 30 state boarding schools, the board shall

31 (1) adopt a philosophy of education for state boarding schools;

(2) approve the employment of personnel necessary to operate state boarding schools;

(3) establish the salaries and benefits to be paid teachers, excluding administrators;

(4) designate the employees authorized to direct disbursements from the money appropriated for the operation of state boarding schools and for the construction of facilities;

(5) provide custodial services and routine maintenance of physical facilities;

(6) establish procedures for the development and implementation of curriculum and the selection and use of textbooks and instructional materials;

(7) prescribe health evaluation and placement screening programs for newly admitted students;

(8) establish procedures for staff evaluation; and

(9) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed at a school receives all of the training not less than every two years and that all of the certificated staff employed at each school receives all of the training not less than every four years [PROVIDE STAFF TRAINING].

* **Sec. 9.** AS 14.18.060(b) is amended to read:

(b) The board shall establish by regulation standards for nondiscriminatory textbooks and educational materials. Each school board shall provide training for all its certificated personnel on a schedule adopted by the governing body of a school district in the identification and recognition of sex-biased materials.

* **Sec. 10.** AS 14.20.020 is amended by adding a new subsection to read:

(k) A person is not eligible for a teacher certificate unless the person has completed training regarding alcohol and drug related disabilities required under AS 14.20.680, training regarding sexual abuse and sexual assault awareness and

1 prevention required under AS 14.30.355, training regarding dating violence and abuse
 2 awareness and prevention required under AS 14.30.356, and training related to suicide
 3 prevention required under AS 14.30.362.

4 * **Sec. 11.** AS 14.20.149(d) is amended to read:

5 (d) A [ONCE EACH SCHOOL YEAR, A] school district shall offer in-
 6 service training to the certificated employees who are subject to the evaluation system
 7 on a schedule adopted by the governing body of a school district. The training
 8 must address the procedures of the evaluation system, the standards that the district
 9 uses in evaluating the performance of teachers and administrators, and other
 10 information that the district considers helpful.

11 * **Sec. 12.** AS 14.20.680(b) is repealed and reenacted to read:

12 (b) A school district or regional educational attendance area shall provide the
 13 training required under (a) of this section on a schedule adopted by the governing
 14 body of a school district or regional educational attendance area.

15 * **Sec. 13.** AS 14.30.070(b) is amended to read:

16 (b) The Department of Health and Social Services may require the district to
 17 conduct [ADDITIONAL] physical examinations that it considers necessary, and may
 18 reimburse the district for the [ADDITIONAL] examinations on the basis and to the
 19 extent the commissioner of health and social services prescribes by regulation.

20 * **Sec. 14.** AS 14.30 is amended by adding new sections to read:

21 **Article 6A. Sexual Abuse and Sexual Assault Awareness and Prevention.**

22 **Sec. 14.30.355. Sexual abuse and sexual assault awareness and prevention.**

23 (a) The governing body of each school district shall adopt and implement a policy,
 24 establish a training program for employees and students, and provide parent notices
 25 relating to sexual abuse and sexual assault awareness and prevention for students
 26 enrolled in grades kindergarten through 12.

27 (b) The policy, training, and notices adopted under this section must include

- 28 (1) age-appropriate information;
- 29 (2) warning signs of sexual abuse of a child;
- 30 (3) referral and resource information;
- 31 (4) available student counseling and educational support;

1 (5) methods for increasing teacher, student, and parent awareness of
2 issues regarding sexual abuse of children;

3 (6) actions that a child may take to prevent and report sexual abuse or
4 sexual assault; and

5 (7) a procedure allowing a student to be excused from participating in
6 training or from receiving notices under this section at the written request of a parent
7 or guardian of the student, or of the student if the student is emancipated or 18 years of
8 age or older.

9 (c) The training required for teachers under this section may be provided as a
10 part of the continuing education required under AS 18.66.310.

11 (d) In this section,

12 (1) "school district" has the meaning given in AS 14.30.350;

13 (2) "sexual abuse" or "sexual assault" has the meaning given to "sexual
14 abuse" in AS 47.10.990.

15 **Sec. 14.30.356. Dating violence and abuse policy, training, awareness,**
16 **prevention, and notices.** (a) The governing body of each school district shall adopt
17 and implement a policy, establish a training program for employees and students, and
18 provide parent notices relating to dating violence and abuse in grades seven through
19 12. A training program adopted under this section must emphasize prevention and
20 awareness.

21 (b) The policy, training, notices, and instruction adopted under this section
22 must include

23 (1) age-appropriate information;

24 (2) the warning signs of dating violence and abusive behavior;

25 (3) characteristics of healthy relationships;

26 (4) measures to prevent and stop dating violence and abuse;

27 (5) community resources available to victims of dating violence and
28 abuse; and

29 (6) a procedure allowing a student to be excused from participating in
30 training or from receiving notices under this section at the written request of a parent
31 or guardian of the student, or of the student if the student is emancipated or 18 years of

1 age or older.

2 (c) The training required for teachers under this section may be provided as a
3 part of the continuing education required under AS 18.66.310.

4 (d) In this section,

5 (1) "dating violence and abuse" means a pattern of behavior in which
6 one person threatens to use, or actually uses, physical, sexual, verbal, emotional, or
7 psychological abuse to control the person's dating partner;

8 (2) "school district" has the meaning given in AS 14.30.350.

9 * **Sec. 15.** AS 14.30 is amended by adding a new section to read:

10 **Sec. 14.30.362. Suicide awareness and prevention training.** (a) A school
11 district and the department shall provide youth suicide awareness and prevention
12 training approved by the commissioner to each teacher, administrator, counselor, and
13 specialist who is employed by the district or department to provide services to students
14 in grades seven through 12 in a public school in the state at no cost to the teacher,
15 administrator, counselor, or specialist.

16 (b) The commissioner shall approve youth suicide awareness and prevention
17 training provided under this section if the training meets standards for professional
18 continuing education credit in the state and is periodically reviewed by a qualified
19 person or committee for consistency with generally accepted principles of youth
20 suicide awareness and prevention. The training may be offered through
21 videoconferencing or an individual program of study of designated materials.

22 (c) A person may not bring a civil action for damages against the state or a
23 school district, or an officer, agent, or employee of the state or a school district, for a
24 death, personal injury, or property damage that results from an act or omission in
25 performing or failing to perform activities or duties authorized under this section. This
26 subsection does not apply to a civil action for damages as a result of intentional
27 misconduct with complete disregard for the safety and property of others.

28 (d) The training under this section shall be provided according to the schedule
29 adopted by the governing body of a school district.

30 (e) The training provided or the failure to provide training under this section
31 may not be construed to impose a specific duty of care on any person.

1 * **Sec. 16.** AS 14.30.370 is amended to read:

2 **Sec. 14.30.370. Evaluation.** Health education programs conducted under
3 AS 14.30.360 shall be evaluated by the department in the same manner as other
4 curriculum programs are evaluated, except that the evaluation shall also include
5 changes in the health status of the pupils as determined by physical and dental
6 examinations conducted under AS 14.30.070 [AND 14.30.120].

7 * **Sec. 17.** AS 14.33.100(d) is amended to read:

8 (d) Each district shall [ANNUALLY] provide to each district employee
9 training in crisis response, including evacuation and lock down drills. **New district**
10 **employees who have not previously received the training required under this**
11 **subsection shall receive the required training within two years after the first day**
12 **of employment and, thereafter, according to the schedule adopted by the**
13 **governing body of a school district.**

14 * **Sec. 18.** AS 18.66.310(d) is amended to read:

15 (d) The continuing education required under (a) - (c) of this section must **be**
16 **offered at least once every two years, and must** include information on the
17 following subjects:

- 18 (1) the nature, extent, and causes of domestic violence;
19 (2) procedures designed to promote the safety of the victim and other
20 household members;
21 (3) resources available to victims and perpetrators of domestic
22 violence; and
23 (4) the lethality of domestic violence.

24 * **Sec. 19.** AS 47.05.310 is amended by adding new subsections to read:

25 (j) An individual who possesses a valid teacher certificate issued under
26 AS 14.20.015 - 14.20.025 and applies to work at a facility licensed or certified by the
27 Department of Education and Early Development or who applies to work in a child
28 care facility or residential child care facility in a position as a certificated teacher with
29 supervised access may request that the individual's criminal justice information and
30 national criminal history record check on file with the Department of Education and
31 Early Development be used to satisfy the requirements of (d) and (e) of this section.

(k) In this section,

(1) "child care facility" has the meaning given in AS 47.25.095;

(2) "residential child care facility" has the meaning given in AS 47.32.900;

(3) "supervised access" means that a supervisor maintains a prudent level of awareness of the whereabouts of the individual for whom supervised access is required to ensure the protection of recipients of services.

* **Sec. 20.** AS 47.17.020(a) is amended to read:

(a) The following persons who, in the performance of their occupational duties, [OR WITH RESPECT TO (8) OF THIS SUBSECTION, IN THE PERFORMANCE OF] their appointed duties under (8) of this subsection, or their volunteer duties under (9) of this subsection, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

(1) practitioners of the healing arts;

(2) school teachers and school administrative staff members, including athletic coaches, of public and private schools;

(3) peace officers and officers of the Department of Corrections;

(4) administrative officers of institutions;

(5) child care providers;

(6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;

(7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;

(8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;

(9) volunteers who interact with children in a public or private school for four or more hours a week.

* **Sec. 21.** AS 47.17.020 is amended by adding a new subsection to read:

(j) This section does not require an athletic coach who is an unpaid volunteer

1 to report child abuse or neglect under (a)(2) of this section unless the coach

2 (1) volunteers for more than

3 (A) four hours a week for four consecutive weeks; or

4 (B) 20 hours a week in a one-month period;

5 (2) has received the training required under AS 47.17.022; and

6 (3) has signed a form acknowledging that the coach is required to
7 report child abuse or neglect under this section.

8 * **Sec. 22.** AS 47.17.022(b) is amended to read:

9 (b) Each department of the state and school district that employs persons
10 required to report abuse or neglect of children shall provide

11 (1) initial training required by this section to each new employee
12 within 45 days after the first day [DURING THE EMPLOYEE'S FIRST SIX
13 MONTHS] of employment, and to any existing employee who has not received
14 equivalent training; and

15 (2) [AT LEAST ONCE EVERY FIVE YEARS,] appropriate in-
16 service training required by this section as determined by the department or school
17 district.

18 * **Sec. 23.** AS 47.17.022 is amended by adding a new subsection to read:

19 (e) Each school district that provides training under this section shall provide
20 notice to public and private schools located in the school district of the availability of
21 the training and invite volunteers who are required to report abuse or neglect of
22 children under AS 47.17.020 to participate in the training at no cost to the volunteer.

23 * **Sec. 24.** AS 47.17.290(1) is amended to read:

24 (1) "athletic coach" means

25 (A) [INCLUDES] a paid leader or assistant of a sports team; or

26 (B) a volunteer leader or assistant of a sports team who
27 volunteers as a leader or assistant of a sports team for four or more hours
28 a week;

29 * **Sec. 25.** AS 14.03.075(a), 14.03.075(b), 14.03.075(c), 14.03.075(e)(1);
30 AS 14.07.165(a)(5), 14.07.165(b); AS 14.30.070(a), and 14.30.120 are repealed.

31 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 ALASKA SAFE CHILDREN'S ACT TASK FORCE. (a) The Alaska Safe Children's
3 Act Task Force is created in the Department of Education and Early Development for the
4 purpose of providing recommendations to the Department of Education and Early
5 Development regarding model curricula for use by school districts. The task force shall
6 provide recommendations for age-appropriate model curricula and teacher training materials
7 related to

8 (1) suicide prevention training required under ch. 34, SLA 2012, and
9 AS 14.30.362, enacted by sec. 15 of this Act;

10 (2) sexual assault and sexual abuse awareness training and prevention required
11 under AS 14.30.355, enacted by sec. 14 of this Act;

12 (3) dating violence and abuse awareness training and prevention required
13 under AS 14.30.356, enacted by sec. 14 of this Act;

14 (4) alcohol and drug related disabilities training required for teachers and staff
15 under AS 14.20.680, as amended by sec. 12 of this Act; and

16 (5) alcohol and drug abuse education described under AS 14.30.360.

17 (b) The task force consists of 10 members as follows:

18 (1) two senators appointed by the president of the senate;

19 (2) two representatives appointed by the speaker of the house of
20 representatives;

21 (3) the commissioner of education and early development or the
22 commissioner's designee;

23 (4) the chair of the state Board of Education and Early Development or the
24 chair's designee;

25 (5) the executive director of the Council on Domestic Violence and Sexual
26 Assault established under AS 18.66.010 or the executive director's designee;

27 (6) the executive director of the Alaska children's trust established under
28 AS 37.14.200 or the executive director's designee;

29 (7) the executive director of the Statewide Suicide Prevention Council
30 established under AS 44.29.300 or the executive director's designee; and

31 (8) a representative from the Rasmuson Foundation.

1 (c) The legislative members of the task force described in (b)(1) and (2) of this
 2 section are ex officio members. The voting members of the task force shall select the chair of
 3 the task force.

4 (d) The task force shall, not later than June 30, 2016, provide the Department of
 5 Education and Early Development with the recommendations for model curricula and teacher
 6 training materials described in (a) of this section.

7 (e) The task force shall meet as frequently as necessary to carry out its
 8 responsibilities.

9 (f) The staff of the Department of Education and Early Development shall provide
 10 administrative and other support to the task force.

11 (g) The task force expires June 30, 2016.

12 * **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to
 13 read:

14 APPLICABILITY. AS 14.20.020(k), enacted by sec. 10 of this Act, applies to teacher
 15 certificates issued on or after the effective date of sec. 10 of this Act. A teacher certificate
 16 issued before the effective date of sec. 10 of this Act may not be renewed on or after the
 17 effective date of sec. 10 of this Act unless the teacher has completed the training required
 18 under AS 14.20.020(k), enacted by sec. 10 of this Act.

19 * **Sec. 28.** Sections 1, 4, 10, 14, and 20 - 24 of this Act take effect June 30, 2017.

20 * **Sec. 29.** Section 25 of this Act takes effect June 30, 2016.

21 * **Sec. 30.** Section 15 of this Act takes effect July 1, 2016.